<u>REMARKS</u>

In the Office Action dated April 23, 2003, claims 1-28 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,202,079 (Banks).

Applicant respectfully submits that claim 1 is allowable over Banks. Claim 1 recites performing a flush of a transaction log in each of a plurality of access modules *before* an end transaction procedure. The Office Action cited to column 2, lines 1-17, of Banks as disclosing this act. Applicant respectfully disagrees. The passage at column 2, lines 1-17, of Banks describes a two-phase commit protocol that includes a first phase (referred to as a prepare phase) and a second phase (referred to as a commit phase) to determine if a transaction is to be committed. The two-phase commit procedure described is a type of end transaction procedure. Thus, any task performed during the two-phase commit procedure is part of the end transaction procedure--such tasks cannot be said to be performed *before an end transaction procedure.*

Moreover, there is no discussion whatsoever in the column 2 passage of flushing a *transaction log* in each access module before an end transaction procedure. For the foregoing reasons, it is respectfully submitted that independent claim 1 is allowable over Banks.

The claims dependent from claim 1 are allowable over Banks for at least the same reasons. Moreover, with respect to dependent claim 2, Banks fails to disclose issuing a request to flush the transaction log with a message sent to each access module for performing a last step of the transaction, with the last step performed prior to the end transaction procedure. The two-phase commit procedure discussed in Banks is the end transaction procedure, and does not constitute "the last step performed prior to the end transaction procedure."

With respect to dependent claim 3, Banks fails to disclose performing the flush of the transaction log in a data access step *prior to the end transaction procedure* to avoid performance of a transaction log flush in the end transaction procedure.

With respect to dependent claim 4, the Office Action cited to the passage at column 2, lines 1-17, as disclosing the recited determining act. However, nothing within the column 2 passage even remotely hints that Banks performs determining that the last

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step is being performed by all of the plurality of access modules. Similarly, with respect to dependent claim 5, there is nothing in Banks to remotely suggest determining if a transaction log has been flushed before performing the end transaction procedure.

With respect to dependent claim 7, nothing in Banks discloses identifying the transaction as an implicit transaction. The Office Action cited to Figures 2-4 and column 2, lines 1-17 of Banks as disclosing this element of claim 7. Applicant respectfully, disagrees, as there is no indication whatsoever in Banks of identifying a transaction as an implicit transaction. With respect to dependent claim 9, the passage at column 2, lines 1-17, of Banks fails to disclose skipping broadcast of a directive indicating commencement of the end transaction procedure to the plurality of access modules. In fact, the opposite is taught by Banks, which states that the two-phase commit procedure is performed, which is a type of end transaction procedure.

With respect to independent claim 10, the Office Action cited to the passage at column 5, lines 15-32, of Banks as disclosing the elements of the claim. There is nothing in this passage to indicate that a first access module in the database system writes an *end transaction indication* to a first transaction log portion. There is also nothing in the cited passage to indicate that the first access module sends an end transaction directive to a *fallback module associated with the first access module.*

Therefore, it is respectfully submitted that claim 10 is also clearly allowable over Banks.

Independent claims 17 and 21 are allowable over Banks for reasons similar to those for claim 1. Independent claim 24 is allowable because Banks fails to disclose writing a log that tracks operations performed in a transaction to persistent storage *before start* of an end transaction procedure. Independent claim 28 is allowable over Banks because Banks fails to disclose a parsing engine to perform one of: (a) providing a directive with a message to perform a last step of a transaction and communicating the directive to the access modules, with each access module responsive to the directive to perform a transaction log flush *before* performance of an end transaction procedure; and (b) determine if each of the access modules has performed a transaction log flush *before* start of the end transaction procedure.

In view of the foregoing, all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 50-1673 (9417).

Respectfully submitted,

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Date

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